REMARKS

In response to the requirement for an election of species, Applicant hereby provisionally elects the compound of the Example 6, as found at page 75 of the specification. This election is made with traverse.

Applicant wishes to point out that the requirement for an election of species should be withdrawn. Contrary to the allegations at page 2 of the Office Action, the alleged species of the application can be linked to form a single general inventive concept under PCT Rule 13.1. Moreover, pursuant to Article 27(1) of the PCT, if an international search authority finds that an international application complies with the unity of invention requirement, a national patent office in a designated state (e.g., the PTO) must not contest the finding during the national phase. For review by the PTO, Applicant encloses herein the international search report and the International Preliminary Examination Report, so as to demonstrate that no unity of invention objection was raised in the international phase.

Applicant emphasizes that the invention of claim 1 is concerned with compounds or their salts having the general formula (I): A-**B**-**C**-$N(O)_s$, wherein A is a residue of a drug satisfying at least one of tests 1-3 as claimed, B-C is a linker bearing the $N(O)_s$ group, and s is 1 or 2. The compounds of formula I are useful in connection with pathologies associated with oxidative stress and/or endothelial dysfunctions, where the known parent drugs demonstrate lower activity and/or higher toxicity. When used in connection with such pathologies, the compounds show improved therapeutic performance (reduced toxicity

and/or higher efficacy) as compared to parent drugs.

Accordingly, B = ($-T_B-X_2-T_{BI}-$) is the anti-oxidant moiety described as a radical derived from a precursor molecule having anti-oxidant properties (i.e., satisfies test 4). C = ($-T_c-Y$) is an aliphatic, aromatic or hetercyclic spacer. The drug residue A is selected from the residues of drugs satisfying at least one of tests 1-3. In tests 1-3, the drugs are assayed in order to establish whether they increase the effects of toxic compounds used in tests 1-3, that is, Nem (test 1), cumene hydroperoxide (test 2) and L-NAME (test 3). These compounds simulate the conditions of oxidative stress and/or endothelial dysfunction, causing gastrointestinal damage (test 1), apoptosis (test 2), hepatic damage, gastric damage, and/or cardiovascular damage (test 3). The tests are satisfied when the parent drug increases or does not inhibit the damage caused by the toxic compounds. Accordingly, the parent drugs are those that are ineffective or toxic with respect to oxidative stress conditions and/or endothelial dysfunctions.

Applicant therefore submits that unity of the invention can be found in the new kind of linker, B-C, which is not necessarily defined by structure but more important by its anti-oxidant properties. This B-C linker that bears the nitrooxy group is capable of making drugs, that are normally ineffective or toxic in oxidative stress conditions and/or endothelial dysfunctions, now useful in connection with these conditions. Therefore, in that the various compounds of the application are so linked to form a common inventive concept, as recognized by the absence of a unity of invention objection in the international phase,

Applicant urges withdrawal of the election requirement.

In view of the above remarks, Applicant respectfully requests reconsideration and withdrawal of the election of species requirement, as well consideration and allowance of all pending claims.

In the event this paper is not being timely filed, Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 01-2300, referencing Attorney Docket No. 108907-00020.

Respectfully submitted,

Hans J. Crosby
Attorney for Applicants
Reg. No. 44,634

ARENT FOX KINTNER PLOTKIN & KAHN, PLLC
1050 Connecticut Avenue, N.W., Suite 400
Washington, D.C. 20036-5339
Tel (202) 857-6000
Fax (202) 638-4810